

REMARKS

In an Office Action dated October 9, 2007, the Examiner rejected claims 1, 3-8, and 10-14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,937,710 (Griffiths) and rejected claims 2 and 9 under 35 U.S.C. 103(a) as being unpatentable over Griffiths in view of U.S. Patent 5,684,861 (Lewis).

Responsive to the grounds for these rejections, Applicants are amending the claims to cancel claims 1-4 and 8-11; to incorporate the subject matter of claim 1 into dependent claim 5 and of claim 8 into dependent claim 12; and to make claims 6 and 7 dependent from amended claim 5 and claims 13 and 14 dependent from amended claim 12. Applicants submit that as amended the remaining claims should be held allowable.

The Examiner rejected claims 5 and 12 over the teachings of Griffiths. The Examiner rejected claim 5 (and by implication, claim 12) by stating "The unused minutes remaining shows the 'threshold.'". Applicants assume that the Examiner was referring to column 2, lines 32-33, wherein the customer can view "the number of minutes or of calls remaining on their monthly usage plan." While this arrangement permits a customer to access data which would permit him to change his/her calling pattern in order to avoid exceeding the threshold for extra charges, it fails to teach the subject matter summarized in the description of action block 207 (FIG. 2), and the surrounding action blocks 200-211, of Applicants' disclosure, page 4, lines 21-31 which state the following:

FIG. 2 is a flow diagram illustrating the operation of Applicants' invention for accumulating actual usage and reporting a usage threshold transgression. A call is received at the mobile switching center (MSC) (action block 200). Test 201 is used to determine whether the calling party or the called party has the usage-reporting feature. If not, then the call is continued as in the prior art (action block 203). If either party does have the usage-reporting feature then the actual usage for this category of call type in the current billing cycle is compared with the usage allowed for this category of call type in the service plan (action block 205). Test 207 is used to determine whether the usage thresholds have been met or exceeded. The usage threshold can be a fixed number, e.g., 80% of the total allowed, or it can be a percentage of the number of minutes, which, on a linear basis, would lead to the accumulation of the allowed limit, or both. If the usage threshold has not been met or exceeded, then the call is continued as in the prior art (action block 211). If the threshold has been met or exceeded, then a warning message is sent to the subscriber informing them of the usage by category for the usage category that has been exceeded. (action block 209). The message is either in the form of a voice announcement, an SMS message sent to the mobile, or data for displaying at the mobile telephone station.

Applicants teach an arrangement whereby the customer is automatically warned of an impending excess usage leading to a higher charge. This subject matter is discussed on page 1, line 32 - page 2, line 2.

Advantageously, a subscriber is warned of potential overcharges if the usage meets a subscriber-defined threshold or thresholds which relate to the allotted usage defined for the subscriber's billing plan.

This subject matter is recited in the last clause of claims 5 and 12, as amended which states:

wherein at least one of said threshold parameters is different from threshold parameters of said user's service plan.

This subject matter is further illustrated in FIGs. 2 and 5, and the accompanying description.

This subject matter of claims 5 and 12 is not taught by Griffiths and is clearly valuable in allowing a customer to plan to avoid higher charges.

The subject matter of claims 7 and 14 should be held allowable since these claims are dependent from claims 5 and 12, argued as being allowable.

The subject matter of claims 6 and 13 is shown in FIG. 5 and specifically recited on page 5, lines 24 - page 6, line 2:

FIG. 5 is a flow diagram illustrating the control of the reporting arrangements by a mobile subscriber. It is assumed that the mobile subscriber has already been registered to receive the service. The registration process is likely to be one that goes through the administration system of the carrier. A subscriber requests a change of the reporting scenario(s) or usage threshold(s) by category (action block 500). The subscriber is connected to the mobile switching center (action block 501). The subscriber supplies data for adjusting the reporting scenarios and/or usage threshold(s) by category (action block 503). The MSC enters the change data into the subscriber database (action block 505). The MSC then confirms the change to the subscriber (action block 507).

This allows a subscriber to adjust the usage threshold by category so that a customer may choose to be warned very early and/or only when the customer is close to incurring overcharges.

Accordingly, Applicants respectfully submit that the subject matter of claims 5 and 12, as amended, should be held allowable. The subject matter of claims 6 and 13,

dependent from 5 and 12, respectively, should also be held allowable in view of the additional specific recitation of a user's ability to change the threshold of cumulative traffic for reporting to the customer. Claims 7 and 14 should be held allowable as being dependent from claims 5 and 12.

Accordingly, Applicants respectfully request that the Examiner reconsider the rejection of claims 5-7 and 12-14, allow these claims as amended, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicants' attorney at telephone number 630 469-3575.

Respectfully submitted

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